(62)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No.3556 of 2004

Petitioner Tomanlal Verma, S/o Late Shri Jagdish Verma, R/o Harditeka, Tahsil & Block Dongargaon, District Rajnandgaon (C.G.)

Vs.

Respondents

1. State of Chhattisgarh, Through : The Secretary, Department of Revenue, D.K.S.Bhawan, Raipur (C.G.)
2. The Additional Collector, District Rajnandgaon (C.G.)
3. The Sub-Divisional Officer (Revenue), Rajnandgaon (C.G.)
4. Chief Executive Officer, Janpad Panchayat, Dongargaon, District Rajnandgaon (C.G.)
5. The Secretary, Gram Panchayat, Harditeka, Block (Janpad Panchayat), Dongargaon, District Rajnandgaon

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Present: Shri Ashok Vaishnav, counsel for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State/respondents No.1 to 3.

ORAL ORDER
(Passed on 19th March, 2007)

What is questioned by the petitioner in this writ petition is the order dated 15-9-2004 passed by respondent No.2 - the Additional Collector in exercise of his power under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

(2) In my opinion, the petitioner has a right to appeal against the impugned order under the provisions of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 before the Director, Panchayat. Without exhausting that remedy, the petitioner could not have approached this Court.

(3) In that view of the matter, the writ petition is disposed of. However, liberty is reserved to the petitioner to file an appeal, if he so desires,

(63)

questioning the impugned order before the appropriate forum within a month's time from today. If such an appeal is filed by the petitioner within the time granted by this Court, the appellate authority shall decide the same on its own merits without referring to the period of limitation. All the contentions raised by the parties are left open. Ordered accordingly.

Sd/-
Chief Justice